

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION	)	
INC. AND KENTUCKY CGSA, INC. FOR ISSUANCE	)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY TO CONSTRUCT A WIRELESS	)	CASE NO.
COMMUNICATIONS FACILITY AT OLD CANNONS	)	2000-042
LANE, LOUISVILLE, KY 40207 IN THE WIRELESS	)	
COMMUNICATIONS LICENSE AREA IN THE	)	
COMMONWEALTH OF KENTUCKY IN THE COUNTY	)	
OF JEFFERSON SITE NAME: SENECA PARK	)	

O R D E R

On March 3, 2000, Crown Communication Inc. and Kentucky CGSA, Inc. (collectively, the "Applicants") filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility on Old Cannons Lane, Louisville, Jefferson County, Kentucky 40207. Planning and Zoning has rejected the application; accordingly, pursuant to KRS 278.650, the Commission may override the Planning and Zoning's rejection only if public convenience and necessity require the proposed construction and if no suitable alternative site for the proposed construction exists. Edward and Barbara Weilage, 17 Chamberry Circle, Louisville, Kentucky 40207; Raymond D. and Judy Rohmann, 16 Chamberry Circle, Louisville, Kentucky 40207; Theodore R. and Ann H. Stewart, 19 Chamberry Circle, Louisville, Kentucky 40207; Louisville and Jefferson County Planning Commission, 531 Court Place, Suite 900, Louisville, Kentucky 40202-3396; George Krauser, Jr. and Patricia Krauser, 15 Chamberry Circle, Louisville, Kentucky 40207; Don and Martha Edline, 1105 Old Cannons Lane, Louisville, Kentucky

40207; Leonard Gross, 3233 Five Oaks Place, Louisville, Kentucky 40207; Barbara Ballard, 14 Chamberry Circle, Louisville, Kentucky 40207; Dr. Armond Gordon, 13 Chamberry Circle, Louisville, Kentucky 40207; Clara Bilharz, 11 Chamberry Circle, Louisville, Kentucky 40207; William and Thelma McGuirk, 20 Chamberry Circle, Louisville, Kentucky 40207; Mark and Mary Lee O'Bryan, 1103 Old Cannons Lane, Louisville, Kentucky 40207; Trudy York Miller, 3305 Winchester Road, Louisville, Kentucky 40207; Patrice Rymarowitz, 35 Chamberry Circle, Louisville, Kentucky 40207; Clare Blackburn, 28 Chamberry Circle, Louisville, Kentucky 40207; Steven and Judy Spooner, 18 Chamberry Circle, Louisville, Kentucky 40207; and, Ellen Skomsky, 34 Chamberry Circle, Louisville, Kentucky 40207 (collectively known as "Intervenors"), filed motions for full intervention in this matter. The Commission finds that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Accordingly, the motions for full intervention should be granted.

In addition, the Commission, on its own motion, has scheduled a hearing on the proposed wireless telecommunications facility for June 27, 2000, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1, of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

Intervenors are put on notice that evidence regarding potential alternative sites for the proposed construction, if any, and any requests for information, must be filed with the Commission, with a copy to all parties of record, no later than 15 days from the date of this Order. No intervenor may produce evidence regarding alternative sites at the hearing except in regard to specific sites filed of record as described in this Order.

Responses to information requests and information regarding potential alternative sites, if filed by any Intervenor, shall be responded to by Applicants within 30 days from the date of this Order, including in such responses a report of their view of the feasibility of the alternative sites presented by the Intervenor.

IT IS THEREFORE ORDERED that:

1. The motions of the Intervenors to intervene are granted.
2. The Intervenors shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should any Intervenor file documents of any kind with the Commission in the course of these proceedings, a copy of said documents shall be served on all other parties of record.
4. A hearing on the proposed wireless telecommunications facility is scheduled for June 27, 2000, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1, of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
5. No Intervenor nor any person subsequently granted intervention herein may submit evidence regarding alternative sites for the proposed facility at the hearing in this matter, except in regard to those specific sites for which information has been filed within 15 days of the date of this Order.
6. The Applicants shall respond in writing to a filing regarding information requests and potential alternative sites, if any, within 30 days of the date of this Order, and shall include in their response information concerning the availability and technical feasibility of such sites.

7. The Applicants shall appear at the hearing and shall be prepared to present testimony on the engineering design, location, and construction of the proposed facility, as well as the jurisdictional safety issues relating to the facility.

8. Neither opening statements nor witnesses' summaries of prefiled testimony shall be permitted at the hearing in this matter.

9. Any interested person shall have the opportunity to present testimony or comment on the proposed facility.

10. Prefiled testimony, if any, shall be filed within 35 days of the date of this Order.

11. Pursuant to KRS 100.324, a copy of this Order is being sent to the Louisville and Jefferson Planning and Zoning Commission for the purpose of notification that the above-scheduled hearing may affect locations or relocations of service facilities within the planning unit's jurisdiction.

Done at Frankfort, Kentucky, this 5<sup>th</sup> day of May 2000.

By the Commission

ATTEST:

  
Executive Director